

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: December 18, 2008

ZCPA 2007-0004, ZMOD 2007-0005

MOOREFIELD STATION

DECISION DEADLINE: Extended to February 28, 2009

ELECTION DISTRICT: Dulles PROJECT PLANNER: Marchant Schneider

EXECUTIVE SUMMARY

Claude Moore Charitable Foundation of Fairfax, Virginia, CTD Moorefield Retail, LLC, of Herndon, Virginia, CTD Offsite, LLC, of Herndon, Virginia, Moorefield Station West Homeowners Association, Inc. of Horsham, Pennsylvania and Fairfax Investment, LP, of Dulles, Virginia have submitted an application to amend the concept plan and proffers approved with ZMAP 2001-0003, Moorefield Station. The rezoning application was approved in 2002 for a mix of 6,000 residential detached, attached, and multi-family dwelling units and 9.75 million square feet of non-residential space. Moorefield Station is intended as a pedestrian friendly, transit-oriented, mixed-use urban community of office, residential, and retail uses.

The application proposes the following changes to the Concept Development Plan (CDP) associated with ZMAP 2001-0003: 1) reflect subsequent Final Development Plans (FDPs) implementing the original ZMAP application; 2) reflect subsequent changes in ownership within and adjacent to the subject parcels; 3) add clarifying charts and exhibits demonstrating compliance with Zoning Ordinance regulations and proffers; 4) identify conversions of public streets to private streets; 5) request individual lots exceed 0.40 Floor Area Ratio (FAR) within the Transit-Designed Area (TDSA), so long as the overall FAR does not exceed 0.40; 6) provide an initial phasing plan for the Mix of Uses within the TDSA; and 7) clarify the off-street parking requirements of Zoning Ordinance Section 4-1117(B).

The Applicants are also requesting modifications of the Zoning Ordinance (ZMOD) to: 1) increase the percentage of on-street parking spaces which can be credited to the off-street parking requirements for a particular development; 2) exclude alleys and sight-distance easements from required street tree planting areas; and 3) permit a private street to serve a use other than single family attached, townhouse or multifamily use.

The requested amendments and zoning ordinance modifications will not result in a change of development density to the original ZMAP application.

The property is approximately 582.48 acres in size and is located south of the Dulles Greenway (Route 267) on the north side of Loudoun County Parkway (Route 607), approximately 1/4 mile from the intersection of the Dulles Greenway and Loudoun County Parkway (See Vicinity Map, Page 3).

This Application is subject to the Revised 1993 Zoning Ordinance and the subject property is zoned PD-TRC (Planned Development – Transit Related Center). The area is governed by the policies of the Revised General Plan (Suburban Policy Area, Ashburn Community) and the Toll Road Plan which designate this area for Business uses and Transit Oriented Development at a Floor Area Ratio (FAR) up to 2.0 at the Rail Phase.

The property is also located within the Airport Impact Overlay District (AI) and within the Floodplain Overlay District (FOD).

RECOMMENDATIONS

Staff Recommendation

Staff recommends that the Planning Commission forward the proposed application to a Planning Commission worksession for further discussion of the requested concept plan revisions and zoning ordinance modifications; specifically, implementation of off-street parking requirements within the TDSA (See Outstanding Issues, Page 9).

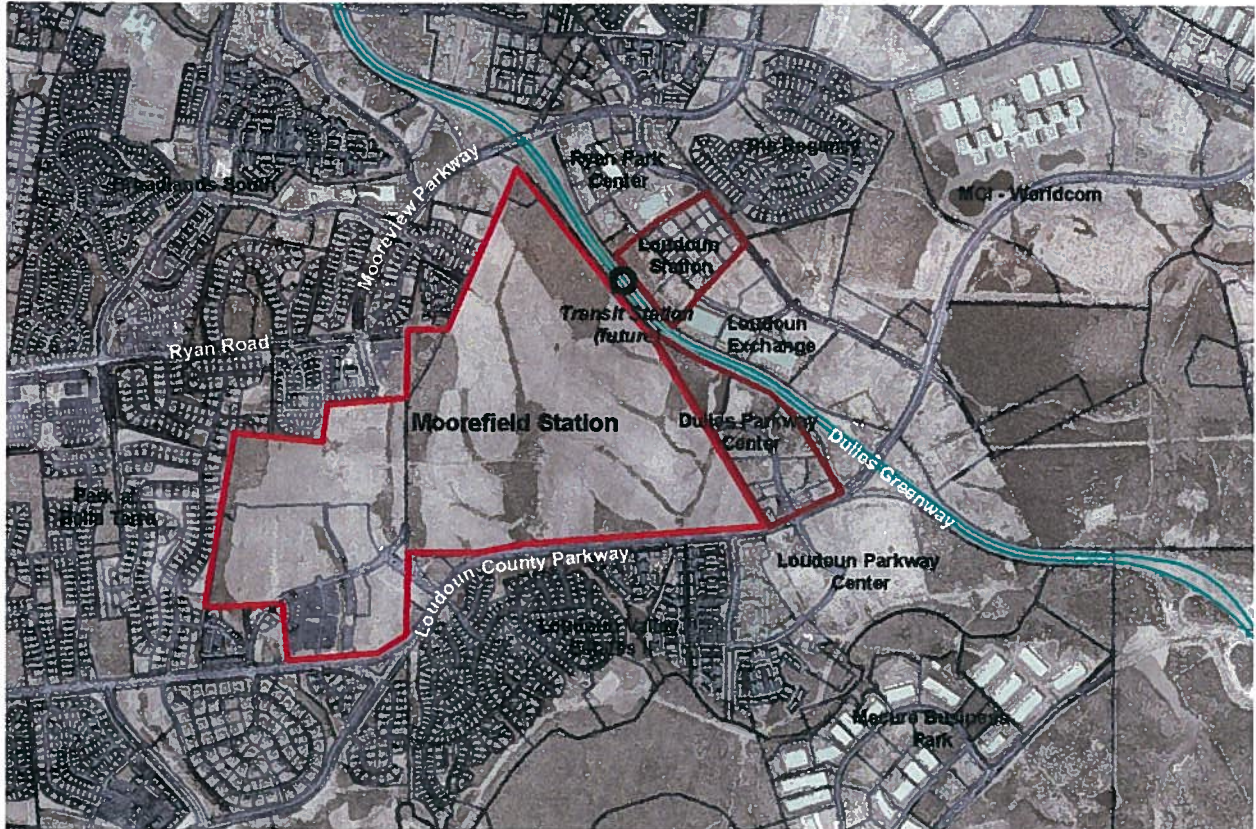
SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZCPA 2007-0004, ZMOD 2007-0005, Moorefield Station, to a subsequent worksession for further discussion.

OR,

2. I move an alternate motion.

VICINITY MAP



Directions:

From Leesburg, take Route 15 South to Route 15 / Route 7 Bypass East. Travel east on the Dulles Greenway to Exit 7, Loudoun County Parkway (Route 607). Travel south on Loudoun County Parkway. The subject property is on the north side of Loudoun County Parkway, approximately 1/4 mile from the intersection of the Dulles Greenway and Loudoun County Parkway.

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I. APPLICATION INFORMATION

APPLICANTS

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APPLICANTS' REQUEST

A Zoning Concept Plan Amendment (ZCPA) to revise the approved Concept Development Plan for ZMAP 2001-0003, Moorefield Station and permit individuals lots within the TDSA to exceed 0.40 FAR per Section 4-1107 (C)(1)(c). **A Zoning Ordinance Modification (ZMOD)** of Sections 4-1117(G), 4-1119, and 4-1121 of the Revised 1993

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Zoning Ordinance. The application was accepted on July 24, 2007.

LOCATION

South of the Dulles Greenway, north of Loudoun County Parkway, approximately 1/4 mile from the intersection of the Dulles Greenway and Loudoun County Parkway, Ashburn, Virginia

PROPERTY/PARCEL #

120-29-7420	121-37-5602	121-27-3228	121-37-0294	121-26-9837	121-36-9072
089-25-8906	121-37-5606	121-27-2927	121-37-0291	121-26-9735	121-36-9074
121-47-3874	121-37-5511	121-27-2727	121-37-0289	121-26-9732	121-36-9076
121-27-4161	121-37-5514	121-27-2527	121-37-0387	121-27-0625	121-36-9178
121-26-8920	121-37-5417	121-27-2227	121-37-0385	121-27-0425	121-36-9082
121-37-2401	121-37-5320	121-27-1927	121-37-0383	121-27-0125	121-36-9084
121-37-1397	121-37-3601	121-27-2235	121-37-0380	121-27-9925	121-36-9086
120-38-9029	121-37-3698	121-27-2240	121-37-0172	121-26-9725	121-36-9088
121-37-7500	121-37-3696	121-27-2448	121-37-0472	121-26-9424	121-36-8989
121-38-0079	121-37-3693	121-27-2452	121-37-0672	121-26-8623	121-36-8992
120-17-0779	121-37-3790	121-27-2557	121-37-0873	121-26-8323	121-36-9000
121-47-6384	121-37-3788	121-27-2561	121-37-1073	121-26-8123	121-36-8499
121-27-5223	121-37-3786	121-27-2665	121-37-1273	121-26-7923	121-36-7997
121-27-5226	121-37-3783	121-37-2877	121-37-1573	121-26-7723	121-36-7495
121-27-5229	121-37-3780	121-37-2881	121-26-9854	121-26-7424	121-36-7988
121-27-5232	121-37-3778	121-37-2885	121-27-0054	121-26-8331	121-36-8182
121-27-5335	121-37-3776	121-37-2790	121-27-0254	121-26-8434	121-36-8276
121-27-5339	121-37-3774	121-37-2794	121-27-0453	121-26-8436	121-26-8171
121-27-5442	121-27-3565	121-37-2798	121-27-0653	121-26-8437	121-26-7961
121-27-5445	121-27-3563	121-37-2604	121-27-0853	121-26-8540	121-26-7855
121-27-5548	121-27-3561	121-37-2707	121-27-1152	121-26-8542	121-26-7749
121-27-5551	121-27-3459	121-37-2810	121-27-0744	121-26-8645	121-26-7743
121-37-5873	121-27-3456	121-37-3013	121-27-0742	121-26-8646	121-26-7638
121-37-5877	121-27-3453	121-37-0204	121-27-0740	121-26-8649	121-26-7532
121-37-5879	121-27-3351	121-37-0604	121-27-0638	121-26-8751	121-26-6554
121-37-5882	121-27-3349	121-37-0902	121-27-0636	121-26-8754	121-26-6562
121-37-5885	121-27-3346	121-37-1199	121-27-0633	121-26-8756	121-26-6669
121-37-5888	121-27-3243	121-37-1293	121-27-9946	121-26-8857	121-36-6676
121-37-5891	121-27-3241	121-37-1289	121-26-9943	121-26-8860	121-36-6583
121-37-5796	121-27-3239	121-37-1286	121-26-9841	121-26-9068	121-36-6088
121-37-5700	121-27-3136	121-37-1282	121-26-9839	121-26-9070	121-36-3578

ZONING

PD-TRC (Planned Development – Transit Related Center)

ACREAGE OF SITE

582.48

SURROUNDING ZONING/ LAND USES

	ZONING	PRESENT LAND USES
NORTH	R-8/PD-H3/PD-H4	Residential
SOUTH	R-1/R-16/PD-H3	Residential
EAST	R-1/PD-OP/PD-IP	Commercial/ Dulles Greenway
WEST	R-1/R-8/PD-H3/PD-H4	Residential

II. REFERRAL AGENCY COMMENT SUMMARY

TOPIC / ISSUE AREA	ISSUES EXAMINED AND STATUS
Comprehensive Plan	<ul style="list-style-type: none"> o Conformance with <u>Revised General Plan</u> (RGP) (Suburban Policy Area – Ashburn Community). Applications consistent with Business Community – Transit Oriented Development pending conclusion of off-street parking requirement discussion. Status: Unresolved o Provide phasing plan for Transit-Designed Supportive Area (TDSA) to implement approved land use mix in a balanced manner per RGP policy. Status: Resolved o Off-street parking within TDSA should not interfere with reasonable continuity of building facades and pedestrian activity. Status: Unresolved o On-street parking for public and civic uses to be provided in middle of blocks than can be reached by alleys, and/or provided by continuous on-street parking, or provided on the perimeter of the neighborhood. Status: Unresolved o Individual lots within TDSA exceeding 0.40 Floor Area Ratio (FAR) to meet underlying Business Community policies (not to exceed 1.0 FAR). Status: Resolved
Zoning	<ul style="list-style-type: none"> o Notation, graphic, zoning reference, and tabular revisions. Status: Unresolved o Demonstrate unified control as part of request to increase individual lots within TDSA above 0.40 FAR. Status: Resolved o Applicant request to demonstrate no interference of off-street parking with continuous building façade within TDSA more appropriately addressed through proffer substantial conformance than zoning modification (ZMOD). Status: Resolved o Address unintended consequences associated with applicant proposed method of determining an achievement of “reasonable continuity of building façade”. Status: Unresolved

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TOPIC / ISSUE AREA	ISSUES EXAMINED AND STATUS
	<ul style="list-style-type: none"> o Zoning modification to exceed percentage of on-street parking permitted to meet off-street parking requirements for a particular development to be limited to specific locations within TDSA and limited to neighborhood residents only. Status: Resolved o Revised parking requirements associated with zoning modification to exceed percentage of on-street parking permitted to meet off-street parking requirements for a particular development. Status: Unresolved o Zoning modification to exclude street trees from alleys and sight distance easement to state such trees may be relocated in areas depicted on Exhibit C or in areas deemed appropriate by the County Urban Forester. Status: Unresolved o Proffer statement to be modified to allow the Public Safety Center site to be accessed via a private road subject to execution of public access easement. Status: Unresolved
Transportation	<ul style="list-style-type: none"> o Traffic analysis to demonstrate no deleterious effects to local or regional road network as a result of increased concentration of development, unless identified impacts are mitigated. Status: Unresolved. o Increasing commercial densities along Loudoun County Parkway beyond walking distance of the future rail station should continue to support objectives of Moorefield Station. Status: Resolved
County Attorney	<ul style="list-style-type: none"> o Proffer Statement review and approval to legal form. Status: In progress
Disclosure of Real Parties in Interest	<ul style="list-style-type: none"> o Received dated December 3, 2008

III. Conclusions

1. The proposed Zoning Concept Plan Amendment application is consistent with the Revised General Plan (RGP) and the Toll Road Plan which designate the subject property for Business uses and Transit Oriented Development (TOD).
2. The proposed Zoning Concept Plan Amendment (ZCPA) application is consistent with the Concept Development Plan (CDP) and proffers associated with ZMAP 2001-0003, Moorefield Station, with no resulting change in development density.
3. As an appropriate development in support of the Transit Oriented Development policies of the RGP, the Planned Development – Transit Related Center promotes a pedestrian friendly, mixed-use urban community of office, residential, and retail uses. It has not been determined by staff that the proposed standards for off-street

parking facilities within the Inner Transit Designed Supportive Area (ITDSA), both interim and permanent, will meet the design goals and policies of the Revised General Plan.

4. Parking for a resident-exclusive community center within the Outer Transit Designed Supportive Area (TDSA) has not been determined by staff to be convenient for the patrons of the use as well as minimally disruptive to adjacent residential areas having to accommodate parking, traffic, and cut-through pedestrian traffic associated with the community center.
5. Subject to administrative revisions to the Concept Development Plan (CDP) and proffer statement, the application is in accordance with the Revised 1993 Zoning Ordinance.
6. It has not been determined by staff that there are no deleterious effects to the local or regional road network as a result of the requested concentration of non-residential development along Loudoun County Parkway.

IV. PROJECT REVIEW

A. CONTEXT

Background

Recognizing the Dulles Greenway as a unique opportunity to plan a transit and economic development-oriented corridor, the County adopted the Toll Road Plan (TRP) in 1995 (amended in 1998) to encourage nodal development and identify preferred economic uses along the Dulles Greenway corridor. The TRP also recommended balancing intense development with open space in conjunction with planning for mass transit.

In July 2001, the County adopted the Revised General Plan (RGP) to include new policies regarding Transit Nodes and Transit-Oriented Development (TOD) within the Suburban Policy Area. The land use map adopted with the Plan depicts two nodes between interchanges along the Greenway, the western most node located between the interchanges of Route 772 and Loudoun County Parkway (shared by the Moorefield Station, Loudoun Station, and Dulles Parkway Center projects - see the Vicinity Map on Page 3). As defined in the Plan, Transit Nodes are intended to: limit sprawl and to reduce public costs, provide the "critical mass" needed to support bus and rail transit, provide a development alternative that promotes the separation of automobile-oriented land uses from transit-oriented land uses, and maintain the efficient operation of the Dulles Greenway. The overall intent of the TOD is to create a vibrant, sustainable community supported by transit, and, by concentrating land uses around transit infrastructure, reducing public infrastructure costs that may help reduce development pressures on open space elsewhere in the county.

Moorefield Station Approval

In conjunction with the 2001 Plan amendment, the Claude Moore Charitable Foundation submitted its rezoning application (ZMAP 2001-0003, Moorefield Station). A Zoning Ordinance Amendment (ZOAM 2002-0001) was processed with the ZMAP application in order to implement the TOD policies of the RGP and address deficiencies of the previously adopted PD-TRC zoning district regulations.

The Moorefield Station application was approved in December of 2002 for a mix of 6,000 detached, attached, and multi-family residential dwelling units and 9.75 million square feet of non-residential space. The project is divided into four distinct sub-areas (see Staff Analysis, Page 13) with development intensity phased with construction of transportation infrastructure capable of handling incremental traffic increases associated with car, bus, and rail traffic.

To date, one Final Development Plan (FIDP 2004-0002) has been approved for 990 residential units and 150,000 square feet of retail within the Outer Transit Designed Supportive Area (OTDSA). A second FDP (FIDP 2005-0001) is pending action for a public use site, a public recreation center, 2,010 residential dwelling units, 979,675 square feet of retail development, and 1,836,600 square feet of office floor area.

Adjacent Developments

The 582 acre site is located in the Ashburn community of the Suburban Policy Area, south of the Dulles Greenway (Route 267) and on the north side of Loudoun County Parkway (Route 607), approximately 1/4 mile from the intersection of the Dulles Greenway and Loudoun County Parkway (See Vicinity Map, Page 3). As noted above, the westernmost Metrorail station planned in the County is located along the northeast boundary of the site. Two other transit stops in Loudoun County are planned on the Washington Dulles International Airport property and at the Route 606 / Dulles Greenway intersection. Other developments surrounding the site include:

- Loudoun Station. (ZMAP 2002-0005) - Located northeast of the property on the northern side of the Dulles Greenway, this is the second approved TOD surrounding the future transit station. It was approved in 2003 for up to 1,514 multi-family residential dwelling units and 1.9 million square feet of office, hotel, theater and retail uses.
- Loudoun Parkway Center. (ZMAP 1990-0015) – Located southeast of the property on the south side of Loudoun County Parkway, this mixed-use development was approved in 1993 for approximately 450,000 square feet of industrial development, 2.7 million square feet of office use, 230,000 sq ft of hotel, sales, and service uses, and 1,000 residential dwelling units.
- Loudoun Valley Estates II. (ZMAP 2002-0011) – Located south and

southwest of the property on the south side of Loudoun County Parkway, this planned residential community was approved in 2004 for 2,861 residential dwelling units and 100,000 square feet of retail uses.

- Dulles Parkway Center. (SPEX 2005-0038 & ZMOD 2006-0014, ZMAP 2005-0041) – Located east of the property on the south side of the Dulles Greenway, the northern portion of this development was approved in 2007 as a TOD for the development of up to 600,000 square feet of retail and office uses and 624 multifamily residential dwelling units. This is the third TOD approved surrounding this transit station. The eastern portion of the development, located within the Transit Supportive Area (TSA), is being developed with office, retail, and hotel uses.

Proposed Amendments to ZMAP 2001-0003, Moorefield Station.

The application proposes multiple amendments to the original project that are indexed and highlighted on the Concept Development Plan (CDP) included as Attachment 5.

The amendments to the CDP are necessary to: 1) reflect subsequent Final Development Plans (FDPs) implementing the original ZMAP application; 2) reflect subsequent changes in ownership within and adjacent to the subject parcels; 3) add clarifying charts and exhibits demonstrating compliance with Zoning Ordinance regulations and proffers; 4) identify conversions of public streets to private streets; 5) request individual lots exceed 0.40 Floor Area Ratio (FAR) within the Transit-Designed Area (TDSA), so long as the overall FAR does not exceed 0.40; 6) provide an initial phasing plan for the Mix of Uses within the TDSA; and 7) clarify the off-street parking requirements of Zoning Ordinance for development within the TDSA.

Items 1-5 are predominately administrative in nature as the project has progressed and have been reviewed by Zoning staff (See Attachment 1b). Items 5-7 are discussed in detail below.

The Applicants are also requesting modifications of the Zoning Ordinance (ZMOD) to: 1) increase the percentage of on-street parking spaces which can be credited to the off-street parking requirements for a residential community center; 2) exclude alleys and sight-distance easements from required street tree planting areas; and 3) permit a private street to serve a use other than single family attached, townhouse or multifamily use (a Public Safety Center).

B. SUMMARY OF OUTSTANDING ISSUES

Staff recommends that the following issues be addressed by the Planning Commission:

1. **Off-Street Parking Requirements.** Due to the subjective nature of a Zoning Ordinance requirement that off-street parking within a PD-TRC zoning district “not interfere with the reasonable continuity of building facades and pedestrian activity”, the applicant proposes to construct wall and fence treatments in compliance with proffered text in order to establish a standard for “reasonable continuity of building facades” as it applies to interim and permanent surface parking within the TDSA. Staff has expressed concern regarding the administration and unintended consequences of the proffered treatments and associated text. The issue continues to be discussed by staff and the applicant. (See Overall Analysis, Page 17).
2. **Zoning Modification.** The applicant has proposed a Zoning Ordinance Modification (ZMOD) to increase the percentage of on-street parking spaces that can be credited to the off-street parking requirements for a residential community center. The high percentage of on-street parking spaces is not supported staff. Staff will brief the Planning Commission on the status of the staff review of the applicant’s November 21, 2008, response to staff comments. (See Overall Analysis, Page 19).
3. **Zoning Administration.** The applicant and staff continue to evaluate the application to ensure the proposal is in accordance with the Revised 1993 Zoning Ordinance. Staff will brief the Planning Commission at the public hearing on the status of the staff review of applicant’s November 21, 2008, response to Zoning referral comments.
4. **Increased Development Concentration of Non-residential development.** The applicant has requested that certain individual lots exceed 0.40 Floor Area Ratio (FAR) within the Transit-Designed Supportive Area (TDSA) with no resulting change in the overall development density of the original ZMAP application. The Zoning Ordinance requires that such requests include a traffic analysis that shows no deleterious effects on the local or regional network as a result of the increased concentration of development, unless such effects are mitigated. Staff will brief the Planning Commission at the public hearing on the status of the staff review of applicant’s November 21, 2008, response to Office of Transportation Services (OTS) comments. (See Overall Analysis, Page 20).

C. OVERALL ANALYSIS

REVISED GENERAL PLAN

Land Use

As described above, the subject property is within the Ashburn community of the Suburban Policy Area. It is located south of the Dulles Greenway (Route 267) and on

the north side of Loudoun County Parkway (Route 607), approximately 1/4 mile from the intersection of the Dulles Greenway and Loudoun County Parkway.

The site is planned for Business uses and Transit Oriented Development (TOD) due to its proximity to the western most Metrorail station planned along the Dulles Greenway. The Plan envisions the development of a TOD around the transit station to be comprised of an Inner Core (which extends for approximately 1/4 mile from the transit stop) and an Outer Core (which extends between 1/4 and 1/2 mile from the transit stop). Beyond the Core, a Transit Supportive Area (TSA) may extend up to 1 mile from the transit stop. Three TODs have been approved around this transit stop – Moorefield Station and Dulles Parkway Center south of the Dulles Greenway and Loudoun Station north of the Dulles Greenway. Two other transit stops in Loudoun County are planned on the Washington Dulles International Airport property and at the Route 606 / Dulles Greenway intersection.

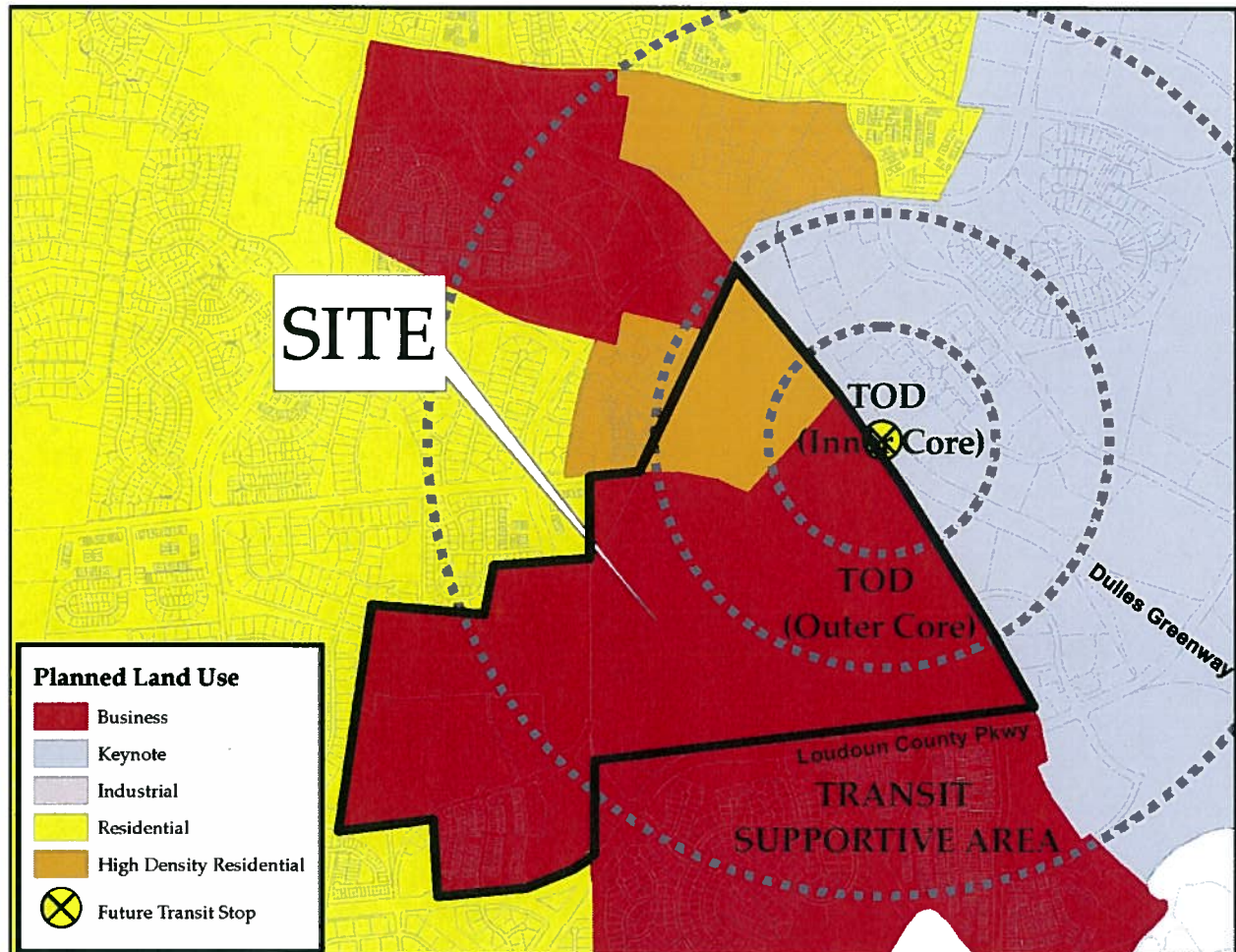


Figure 1. Planned Land Use Map.

Components of Moorefield Station

As noted above, development adjacent to the planned transit station must develop as a Transit Oriented Development (TOD) within a ½ mile radius (10 minute walking distance), and be ringed by a Transit Supportive Area (TSA) up to 1 mile from the transit stop. Moorefield Station has further divided the two areas into four distinct precincts:

ICore - Inner Core

OCore - Outer Core

ITDSA - Inner Transit Design Supportive Area

OTDSA - Outer Transit Design Supportive Area

During the review of the original concept plan, the applicant and staff worked together to determine logical boundaries for the precincts based on walkability, street block pattern, significant natural and manmade boundaries, and uses and density. As such, the established boundaries do not necessarily follow the concentric patterns of the TOD and TSA as prescribed on the land use map.

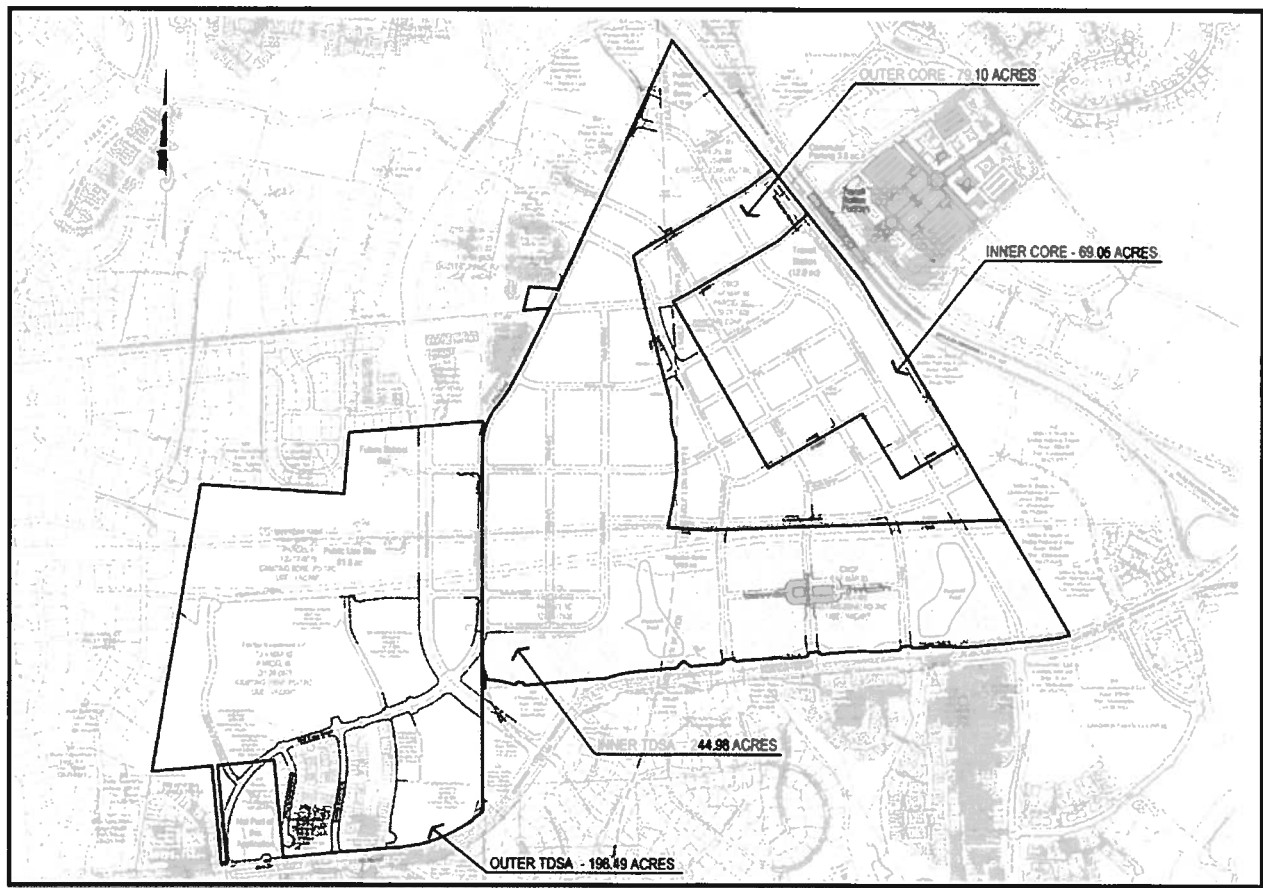


Figure 2. Moorefield Station Precincts

ICore - This area of 69 acres will be the most intense urban form allowing building heights up to or exceeding 100 feet and surrounding a dedicated 12 acre site to support future transit uses. Predominant office development is to occur on Commerce Street and fronting the Dulles Greenway. Along Station Street (the planned "Main Street" of the TOD) building heights and scale may be limited in order to promote pedestrian friendliness and will present a greater proportion of first floor retail shops and service uses.

OCore – This area of 79 acres surrounds the ICore and represents the maximum reasonable distance that a person would walk to the transit stop. The boundary is formed by the linear park open space of the Columbia Gas pipeline to the south, stream corridor open space to the west, and northern urban street blocks flanking the Transit Connector through-road that crosses the Dulles Greenway.

ITDSA – This area of 244 acres acts as a transitional boundary for much of the development separating other planned and developed suburban development from Moorefield Station. The Loudoun County Parkway to the south and the existing alignment of Ryan Road to the west and north frame most of the outer boundary of the ITDSA. This includes two public use dedication sites for Fire and Rescue at the northern tip, and a centrally located Community Center site along the east-west linear open space park (Columbia Gas pipeline). This area has the greatest amount of residential dwellings but also contains the highest potential for non-residential development.

OTDSA – This area of 198 acres is the most physically separated portion of the project extending north and west of existing Ryan Road. The east and west boundaries are buffered by existing vegetated stream corridors. The northern third of the OTDSA is to be a public use dedicated site of about 80 acres. This property is planned to accommodate natural stream corridors, limited park uses and allow for public school. The remainder of the OTDSA is to be developed as a variety of residential dwellings (detached, duplex, townhouse, apartments) and with an urban retail center (with a grocery store anchor) and will include a homeowner's association recreation center.

Zoning Concept Plan Amendments (ZCPA)

The applicant states the requested ZCPA and Zoning Ordinance Modifications serve to clarify, as the development progresses, certain ambiguities of the CDP and Zoning Ordinance so that the original vision, intent and purpose of Moorefield Station and the PD-TRC District can be achieved. The project's original intent, overall density, and compliance with design goals and policies of the Comprehensive Plan will remain unaffected.

Land Use Mix for Transit Designed Supportive Subarea (TDSA)

The Transit Oriented Development policies of the Revised General Plan state Transit-Supportive Areas (TSAs) will be developed consistent with their underlying land use

designation. The underlying land use designation of the TSA within Moorefield Station is Business Community. Sheet 2, Note 14, of the previously approved Concept Development Plan (CDP) identifies the land use mix for Business Communities as the phasing plan required by Section 4-1109 of the Zoning Ordinance for a Transit Designed Supportive Area (TDSA):

From Sheet 2 of ZMAP 2001-0003:

14) The use mix for the TDSA applicable to Moorefield Station would be:

<u>Land Use Category</u>	<u>Minimum</u>
a. High-Density Residential:	15%
b. Regional Office:	50%
c. Commercial Retail and Services*:	0%
d. Light Industrial / Flex	0%
e. Overall Commercial and Light Industrial (c. & d.):	0%
f. Public and Civic	5%
g. Public Parks & Open Space	10%
* <u>Retail Policy guidance provided in the Countywide Retail Plan</u>	

Applying the ratios to the land area identified on the CDP would require the applicant to build 15% of the residential component and 50% of the office component prior to any retail or service uses within the TDSA. The applicant states that market demand does not support the prescribed ratio, with retail and service use in demand at lower ratios of residential and office development. Further, Zoning Ordinance requirements differ regarding the phasing of the prescribed land use mix for the Inner and Outer Core subareas and the TDSA. Section 4-1109(A) refers to "Gross Land Area" as the method of measurement for the land use mix within Inner and Outer Core subareas while Section 4-1109(B) does not establish a method of measurement for the TDSA. The applicant has also requested a determination of the appropriate measurement of the land use mix for the TDSA as part of a revised phasing plan.

In response to the applicant's request, staff recommended that the revised phasing plan allow for the development of the previously approved land use mix in a balanced manner per the Business Community policies of the Plan. Staff further recommended that the revised phasing plan provide a limit on the amount of uses to be developed at the Car phase. The implementation of bus and rail service to the TDSA will provide the remaining phases of Moorefield Station (Bus and Rail).

Staff worked closely with the applicant to establish the revised phasing plan listed below. Staff supports the revised phasing plan as it provides a mix of uses in a balanced manner where office will be the predominant use within the TDSA, per the Business Community policies of the RGP:

From Sheet 2 of ZCPA 2007-0004:

15. TDSA Phasing*

Land Use¹	Mix of Uses at Car Phase	Percentage
Residential ²	990 Units	36% Minimum
Office ³	1,625,000 sq. ft.	50% Minimum
Commercial, Retail, and Service ⁴	325,000 sq. ft.	10% Minimum
Parks, Civic, and Open Space ⁵	67.01 acres	15% of the total TDSA acreage

¹Calculations within the table are based on individual land use types. Residential uses are calculated by number of residential units. Non-residential uses are calculated by square footage.

²Residential Units are calculated as approximately 36% of the total residential units permitted within the TDSA at the Rail Phase.

³Office square footage is calculated as 50% of the non-residential square footage within the TDSA at the Rail Phase (50% of 3,250,000 = 1,625,000 sq. ft.).

⁴Commercial, Retail, and Service square footage is calculated as 10% of the non-residential square footage within the TDSA at the Rail Phase (10% of 3,250,000 = 325,000 sq. ft.).

⁵ Parks, Civic, and Open Space is calculated as 15% of the total acreage in the TDSA (446.76 acres). The Public Use Site, Public Safety Site and Public Recreation Site in Moorefield Station total approximately 96.1 acres.

*This phasing plan provides a mix of uses in a balanced manner where office will be the predominate use, as per the Business Community policies of the Revised General Plan. Per Section 4-1109(C), in order to exceed the minimum percentage in any one category (excluding parks, civic, and open space), the minimum percentage in all categories must be achieved as evidenced by an approved Final Development Plan.

Off-Street Parking and the Reasonable Continuity of Building Facade

Section 4-1117(B) of the Revised 1993 Zoning Ordinance requires that off-street parking within Transit Designed Supportive Subareas "...not interfere with the reasonable continuity of building facades and pedestrian activity..."

Due to the subjective nature of what constitutes "reasonable continuity of building facade", the applicant has proposed a percentage mechanism to clarify the amount of street frontage that could be developed as surface parking (permanent or as an interim condition to structured parking) and qualify as "reasonable continuity of building facade"

for the purposes of the Zoning Ordinance. The applicant has proffered the percentage mechanism and several masonry wall treatments to screen off-street parking (See Sheet 8 and Exhibits A and E to the CDP). The area to which the mechanism and treatments would apply is limited to the ITDSA bordering Loudoun County Parkway.

The applicant states the timing of off-street surface parking and conversion to structured parking will be market driven and that it is not practical and/or feasible to identify the placement of off-street parking at the current stage of the project's development. The applicant desires to create a "safe-haven" for developers attempting to obtain financing where some level of interim surface parking will be permitted and screened as proffered.

The Revised General Plan calls for Transit Oriented Development (TOD) to provide pedestrian scale development where pedestrian circulation will be enhanced by short blocks in a rectilinear grid street pattern. The RGP also encourages parking to be located to the rear of buildings so pedestrians are not traversing wide expanses of asphalt. Parking structures should be located in the middle of the block, screened from the street by office or industrial buildings. The proffered Moorefield Station Design Guidelines and Development Standards further emphasize that parking between buildings and streets be prohibited in the TDSA area. The Design Guidelines also state that "large parking lots shall be divided into smaller, visually contained areas through the use of perimeter landscaping that will provide views and pedestrian ambiance."

Staff understands that the applicant is requesting design flexibility to meet the parking requirements of the Zoning Ordinance; however, as proposed, all parking within the identified area, surface or structured, interim or permanent, will be subject to the proffered text and exhibits rather than specific instances where the provision of off-street parking would require a determination of "reasonable continuity of building facade." Staff is concerned the proffered standard will unnecessarily promote a site design within the ITDSA that is inconsistent with the design policies of the RGP and the previously proffered Design Guidelines. Also, it is unclear whether or not the proffered mechanism for determining "reasonable continuity of building facade" can be administered as part of a Final Development Plan (FIDP).

Staff continues to reiterate that the application demonstrate how the design policies of the RGP and the previously proffered Design Guidelines are being fulfilled with respect to design, function, and timing of surface and structured parking. Staff has recommended the proffered standards and exhibits be limited to individual situations where it is determined that the project is unable to achieve a continuous building facade. The issue may be more appropriately addressed at the time of the Planning Commission review of a FIDP.

The applicant has provided multiple revisions to the proposal in response to staff concerns. Staff and the applicant continue to discuss the issue.

Development Concentration within the TDSA

During the application review process, the applicant added a request to permit certain lots within the TDSA to exceed 0.40 Floor Area Ratio (FAR) provided that the total floor area within the TDSA not exceed 0.40 FAR. The TDSA is governed by the underlying land use (Business Community). The Regional Office policies prescribed for Business Communities allow for up to a total 1.0 FAR of "mixed use development that supports a variety of office with some high density residential and supportive service and retail." The proposed distribution of FAR has been identified on Exhibit D of the CDP.

The proposed request to exceed 0.4 FAR in the TDSA area is consistent with the Business Community Policies. Staff can support the requested FAR increase. Comments from the Office of Transportation Services (OTS) comments related to the traffic study required to accompany the request are discussed below.

Parking Requirements for Residential Community Centers

The applicant has requested a Zoning Ordinance Modification (ZMOD) to increase from 30% to 50% the amount of on-street parking within 400 feet of a community center that can be credited to meet the off-street parking requirements for the center. The applicant states the use of the community center will be limited to adjacent neighborhood residents and their guests. The applicant's supporting Exhibit B identifies excess parking in proximity to a proposed recreation center within the OTDSA and suggests its inability to credit such parking would have unintended consequences to the pedestrian-oriented design of the neighborhood served by the community center. Because the recreation center and perimeter private street constitute a single lot, both parking spaces on the perimeter private road and off-street parking spaces adjacent to the recreation center can meet the off-street parking requirements of the community center (approximately 45 of the estimated 88 spaces required for the community center).

The parking modification request for this proposal has been evaluated under the Transit-Oriented Development policies of the Revised General Plan. The RGP has specific policies related to parking for public and civic uses. Parking for these uses should be provided as either parallel parking along the street or behind the use. Within residential neighborhoods, parking for non-residential, civic, commercial, employment and recreational uses should be provided in the middle of blocks and reached by means of alleys, and/or provided by continuous on-street parallel parking, or provided on the perimeter of the neighborhood.

The Exhibit B provided by the applicant identifies 72 of the estimated 88 spaces required to support the proposed recreation center as on-street parking spaces within the surrounding residential development. Staff has expressed concern that regardless of the exclusive nature of the community center and the excess parking spaces provided, the amount of on-street parking to be utilized by the community center may be disruptive to residents having to compete for on-street guest parking and whose yards may be subject

to "cut through" pedestrian traffic walking to the community center and pool from parking spaces provided on parallel streets.

Parking for public and civic uses throughout the residential neighborhood as shown on Exhibit B is not supported by the Revised General Plan. The applicant has provided multiple revisions to the proposal in response to staff concerns. Staff and the applicant continue to discuss the issue.

ZONING

The applicant has identified technical and administrative amendments to the Concept Development Plan (CDP) to which zoning staff has made multiple comments (See Attachment 1b). Staff continues to evaluate the applicant's November 21, 2008, submission and will provide an update to the Planning Commission at the public hearing.

Regarding the applicant's request to clarify the amount of street frontage that could be developed as surface parking and qualify as reasonable continuity of building façade, zoning staff recommended the applicant reduce the area to which the proffered method of determining compliance with Section 4-1117(B) would apply. The applicant responded by restricting the proposal to the ITDSA along Loudoun County Parkway. Zoning staff further noted similar standards in Section 4-1113 for Inner and Outer Core subareas that may achieve the same purpose. The Section also addresses the types of treatments permitted on lot frontage not containing a building facade; however, these regulations are based on lot and not block width. The applicant has revised its proposal to align to Section 4-1113 as suggested, noting block width is preferable to accommodate interim surface parking. Staff continues to evaluate the applicant's November 21, 2008, submission and whether or not the proposal will alleviate concerns regarding the administration of the proposal and the unintended consequences of the proffered methodology to determine reasonable continuity of building façade.

Section 4-1107(C)(1)(c) permits individual lots within the TDSA to exceed 0.40 FAR provided the overall floor area ratio for the TDSA subarea will not exceed 0.40 FAR. Certain requirements are to be met as part of such a request to include a determination that no deleterious effects to the local or regional road network will result from the increased concentration of development. Office of Transportation Services comments regarding the study are discussed below.

The Applicant is also requesting several modifications of the Zoning Ordinance (ZMOD). Zoning staff review of the requested ZMODs is provided below.

TRANSPORTATION

The proposed redistribution of site development concentration in the ITDSA as noted above is proposed to allow for future development of distinct land uses within Moorefield Station, consistent with Transit Supportive Area policies. The previously proffered

roadway network, street grids, pedestrian access elements and incremental transit service will remain unchanged as a result of the proposal.

The applicant states flexibility to achieve a Floor Area Ratio (FAR) in excess of 0.40 FAR within the TDSA is supported by the traffic study performed at the time of the original re-zoning. The analysis was updated during staff review of the ZCPA application in order to incorporate development that has occurred within and adjacent to the subject property since the time of the original study in order to determine what deleterious effects to the local or regional road network, if any, will result from the increased concentration of development. OTS staff has requested additional information regarding the intersection performance of the current density pattern as compared to the requested densities along Loudoun County Parkway. Staff continues to evaluate the applicant's November 21, 2008, submission and will provide an update to the Planning Commission at the public hearing.

COUNTY ATTORNEY

The applicant's proffer statement has not been approved as to legal form, and additional review and discussion of recent applicant revisions dated December 3, 2008, is anticipated.

D. ZONING ORDINANCE MODIFICATIONS

Section 6-1504 of the Revised 1993 Zoning Ordinance states, "The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses, density, or floor area ratio of the district. ... No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project."

Zoning Modifications

The Applicant is requesting modifications of the following PD-TRC (Planned Development – Transit-Related Center) Zoning District regulations:

ZO §4-1117(G) Parking Requirements	To increase from 30% to 50% the amount of on-street parking spaces, located within 400 feet of the subject principal use that may be credited to meet the off-street parking spaces requirement for the development.
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ZO §4-1119 Street Trees	To modify the requirement that trees shall be planted at a density of no less than one tree per twenty-five (25) linear feet along areas dedicated for vehicle use to exclude street trees along alleys and in sight distance easements.
ZO §4-1121(B) Development Setback and Access from Major Roads	To permit a private street to serve a use other than single family attached, townhouse or multifamily use.

Staff Analysis

1. Section 4-1117(G). Increase from 30% to 50% the amount of on-street parking spaces located within 400 feet of a community center planned for the OTDSA of Moorefield Station that can be credited to meet the off-street parking requirement for the development.

Applicant Justification: Moorefield Station is a transit-oriented development in which the use of pedestrian ways is encouraged as a means of traveling to and from amenities by those living and working in Moorefield Station. Walking to and from the proposed community center by residents is consistent with the philosophy embraced by pedestrian-oriented, neo-traditional design. The recreation center to which the modification is proposed is only open to neighborhood residents. Exhibit B to the CDP provides a calculation of the required parking and a display of how the parking requirement will be met. On-street parking spaces are in excess of the parking requirements within the 400 feet radius. Deeming excess parking in close proximity as unavailable to meet parking requirements for this amenity could have unintended consequences for the development of this particular area.

Staff Comment and Recommendation: As noted above, staff has expressed concern regarding the large percentage of the required parking for the community center that is to be located on-street and adequate pedestrian access to the community center from parallel streets. The applicant has made multiple revisions to the proposal in response to staff referral comments and staff continues to review the applicant's November 21, 2008, submission.

2. Section 4-1119 Street Trees. Trees shall be planted at a density of no less than one tree per twenty-five (25) linear feet along areas dedicated for vehicle use to exclude street trees along alleys and in sight distance easements.

Applicant Justification: No alteration of total Tree Canopy or tree count requirements as set forth in Sections 5-1303 and 4-1120 is requested or implied with the modification. Trees not planted in alleys or in sight distance easements shall appear elsewhere in the development as noted on Exhibit C. By their nature and as examples, alleys have water, sanitary sewer, storm drainage and other underground

utilities, transformers and telephone pedestals, and are used for refuse vehicles and vehicular turning movements for garages. Relocation of these trees to locations more conducive to long-term health is the intent of the request. The Applicant also requests that street trees within sight distance easements along street frontage (because of a per linear foot requirement) also be allowed to be planted within the areas designated in Exhibit C. The applicant recognizes the assistance provided by the Planning Commission and the County Forester at the time of the Final Development Plan stage with regard to substitute locations for street trees, but the request this modification to supplement that assistance.

Staff Comment and Recommendation: Staff does not object to the requested modification as the applicant will be able to design the location of street trees prior to the Final Development Plan stage and can modify such locations if necessary at the FDP stage. However, staff continues to review the applicant's November 21, 2008, submission regarding administrative changes to Exhibit C previously identified by staff (see Attachment 1b).

3. 4-1121(B) Development Setback and Access from Major Roads. Permit private roads to provide access to a public safety center.

Applicant Justification: This modification is proposed to facilitate access to the Public Safety Center lot located at the northern portion of the project which lost frontage on a public road due to the vacation of the portion of Ryan Road (Rt. 772) abutting the Public Safety Center. Conversion from previous proffer language mandating access from a public street to access permitted from a private street solves an outstanding access issue specific to the public safety center site and does not impact traffic.

Staff Comment and Recommendation: Staff is not opposed to the requested modification if the appropriate access easement is executed. The status of the access easement will be confirmed by staff.

E. ZONING ORDINANCE CRITERIA FOR APPROVAL

Zoning Map Amendment (ZMAP)

Section 6-1211(E) of the Revised 1993 Loudoun County Zoning Ordinance states, " ... (i) if the application is for reclassification of Property to a different zoning district classification on the Zoning Map ..., the Planning Commission shall give reasonable consideration to the following matters ...":

Standard (1) *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

Analysis The proposed Zoning Concept Plan Amendment application is consistent with the Revised General Plan (RGP) and the Toll Road Plan which designate the subject property for Business uses and Transit Oriented

Development (TOD). Conformance of the proposed off-street parking requirements with RGP policies and the Moorefield Station Design Guidelines and Standards continues to be discussed.

Standard (2) *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*

Analysis Zoning Ordinance determinations and interpretations regarding development applications submitted subsequent to approval of the Moorefield Station project has necessitated the rezoning application.

Standard (3) *Whether the range of uses in the proposed zoning district classification is compatible with the uses permitted on other Property in the immediate vicinity.*

Analysis No change in use or overall development density is proposed with the rezoning application. Moorefield Station continues to be administered under the PD-TRC zoning district regulations of the Revised 1993 Zoning Ordinance.

Standard (4) *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned.*

Analysis Adequate utilities, sewer and water, transportation and other facilities exist to serve the uses proposed or will otherwise be provided by the Applicant.

Standard (5) *The effect of the proposed rezoning on the County's ground water supply.*

Analysis The proposed rezoning is not anticipated to have an adverse affect on the County's ground water supply. Public water and sanitary sewer service will be provided by LCSA. Storm water management / Best Management Practices (BMPs) and other conservation measures will be implemented by the Applicant.

Standard (6) *The effect of the uses allowed by the proposed rezoning on the structural capacity of the soils.*

Analysis The Applicant has previously stated the uses permitted by the rezoning application will not affect the structural capacity of the soils.

Standard (7) *The impact that the uses permitted if the Property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*

Analysis The previously proffered roadway network, street grids, pedestrian access elements and incremental transit service will remain unchanged as a result of the proposal.

The applicant states flexibility to achieve a Floor Area Ratio (FAR) in excess of 0.40 FAR within the TDSA is supported by the traffic study performed at the time of the original re-zoning. OTS staff has requested additional information regarding the intersection performance of the current density pattern as compared to the requested densities along Loudoun County Parkway. Staff continues to evaluate the applicant's November 21, 2008, submission.

Standard (8) *Whether a reasonably viable economic use of the subject Property exists under the current zoning.*

Analysis As noted above, no change in use or overall development density is proposed with the rezoning application. Moorefield Station continues to be administered under the PD-TRC zoning district regulations of the Revised 1993 Zoning Ordinance.

Standard (9) *The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.*

Analysis The requested zoning concept plan amendments will not negatively impact natural features, wildlife habitat, vegetation, water and air quality. The conservation measures previously proffered as part of ZMAP 2001-0003, Moorefield Station, remain unchanged.

Standard (10) *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.*

Analysis The proposed redistribution of site development concentration in the ITDSA is proposed to allow for future development of distinct land uses within Moorefield Station, consistent with Transit Supportive Area policies. As noted above, no change in use or overall development density is proposed with the rezoning application.

Standard (11) *Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.*

Analysis The proposed rezoning application is intended to facilitate the Transit Oriented Development policies of the RGP supported by the original rezoning application and which encourage development of diverse employment and residential uses proximate to future transit nodes along

the Dulles Greenway. The proposed concept plan and proffer amendments will not negatively impact existing or future agriculture uses.

Standard (12) *Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.*

Analysis The original rezoning application remains consistent with the economic and community policies for existing and future developments within the Dulles Greenway Corridor as outlined in the Transit Oriented Development policies of the RGP.

Standard (13) *Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.*

Analysis No change in use or overall development density is proposed with the rezoning application. Development of the anticipated transit station will likely sustain or increase the value of the site and adjacent properties.

Standard (14) *Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County and the capacity of existing and/or planned public facilities and infrastructure.*

Analysis As noted above, no change in use or overall development density is proposed with the rezoning application. The previously proffered roadway network, street grids, pedestrian access elements and incremental transit service will remain unchanged as a result of the proposal.

Standard (15) *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.*

Analysis No change in residential density is proposed with the rezoning application. Previously commitments to affordable housing remain unchanged.

Standard (16) *The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.*

Analysis The proposed zoning application will not affect natural, scenic, archeological, or historic features of significant importance.

**ZCPA 2007-0004, ZMOD 2007-0005 - Moorefield Station
PLANNING COMMISSION PUBLIC HEARING
December 18, 2008**

VI. ATTACHMENTS (UNLESS NOTED OTHERWISE, ATTACHMENTS ARE NOT AVAILABLE ELECTRONICALLY BUT MAY BE OBTAINED FROM THE DEPARTMENT OF PLANNING)	PAGE NUMBER
1. Review Agency Comments	
a. Planning, Comprehensive Planning (10/30/08, 03/31/08, 09/11/07)	A-1
b. Building and Development, Zoning (10/31/08, 02/14/08, 08/29/07)	A-17
c. Office of Transportation Services (10/15/08, 02/06/08, 08/23/07)	A-31
d. Virginia Department of Transportation (02/04/08, 08/21/07)	A-41
e. Building and Development, Capital Facilities Planner (02/14/08)	A-45
f. Parks, Recreation, and Community Services (11/06/07)	A-47
g. Fire, Rescue, and Emergency Services (02/21/08)	A-49
2. Applicant's Response to Referral Comments (11/21/08, 06/17/08, 12/12/07)	A-51
3. Applicant's Statement of Justification (12/03/08)	A-91
4. Applicant Draft Proffer Statement (12/03/08)	A-105
5. Plat / Concept Development Plan (revised 11/17/08)	Follows A-112